THE CHAPLAINCY IN THE ARMED FORCES OF THE UNITED STATES

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PROBLEM

Does federal support of chaplains in the Armed Forces of the United States violate the establishment clause of the First Amendment of the United States Constitution?

HISTORY OF THE CHAPLAINCY

The institution of the military chaplaincy has a long history. In the United States there were chaplains attached to many of the forces engaged in early struggles against the Indians and the French. During the Revolutionary War, chaplains served aboard naval vessels and it was quite natural for units of the militia to march off to battle with the town clergyman, who became the chaplain.[1]

The chaplaincy was created by an Act of the Continental Congress in 1775 upon the recommendation of General George Washington. Since that time military chaplains have provided for the morale of a command and the spiritual leadership to generations of soldiers in peace and war.[2]

At the outset of the Revolution, each colony had a

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[1] The Military Chaplaincy, A Report to the President by the President's Committee on Religion and Welfare in the Armed Forces (Washington, D. C., 1950), p. 5.

[2] The Challenge of the Chaplaincy in the United States Army, Department of the Army Pamphlet 16-2 (Washington, D. C., Department of the Army, 1965), p. 1.

separate plan for the chaplaincy. Some were appointed by the governor, some by colonial legislatures, some by the established church and some by the brigade officers themselves. In each case the chaplain represented the religious denomination desired by a majority of the troops he served. By the end of the Revolution there was an organized system of brigade chaplains and each received a colonel's pay. Nearly all of the Revolutionary chaplains were Protestant, except for the chaplain of one Canadian Regiment and a volunteer chaplain, both of whom were Catholic. A Jewish clergyman of Newport is also known to have preached during the war on behalf of the American cause.[3]

From the end of the Revolutionary War until the Civil War the chaplaincy in the United States Army was never clearly defined, although many served during the War of 1812 and Mexican War.[4] During these tragic years and through the decades of warfare with the Indians

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[3]The Military Chaplaincy, p. 5.

[4]Ibid.

and opening of the western frontier, chaplains of the United States Army actively sought to bring religion to the American soldier.

During the Civil War there was a great revival of religious feeling and a consequent increase in the desire of the people and the troops to have military chaplains. Thousands of itinerant preachers followed the troops and held impromptu services. Traveling representatives of organized denominations and "delegates" of the United States Christian Committee (of the YMCA) helped the chaplains and came to be called "chaplain" by the men.[5]

During the period between the Civil War and World War I, the Regular Army was small and only a few chaplains were appointed to it.[6] During the first World War, 2,363 chaplains helped to meet the Army's religious needs in training camps, at home and among the trenches and barbed wire of Europe's Western Front. Twenty-three died in the service of the nation; twenty-seven were wounded and

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[5] Ibid., p. 6.

[6] Ibid.

fifty-nine were decorated for actions above and beyond the call of duty.[7]

Early in 1918, General Pershing called Bishop Brent, a civilian, to be in effect, his chief of chaplains.[8] After the war the need of a permanent organization prompted Congress to provide for a chief of chaplains with the rank of colonel. A reserve training program was also established for chaplains. The character of the chaplaincy had thus assumed its present shape before our entrance into World War II.[9]

During the six year span of World War II, 8,896 ministers, priests and rabbis wore the uniform of the United States Army and served as chaplains around the world. They shared with our fighting forces the hardships and anguish of combat, and the responsibilities imposed by victory. For service above and beyond the call of duty, 2,395 decorations were awarded the chaplains of our Army. Most of these were given in recognition of heroic deeds. The self-sacrificing of four Army

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[7]The Challenge of the Chaplaincy in the U.S. Army, p. 3.

[8]The Military Chaplaincy, p. 7.

[9]Robert F. Drinan, Religion, The Courts and Public Policy (New York: McGraw Hill, 1963), p. 24.

chaplains on the sinking transport Dorchester has become a famous classic to Americans.[10]

The second war and its aftermath resulted in a quasi-permanent government roster of some 3,000 chaplains in seventy-two countries with an additional three hundred chaplains serving as civil service employees on the staff of 176 Veterans Administration (VA) hospitals and homes. Some 2,100 of the 3,000 military chaplains and 210 of the 300 VA chaplains are Protestant clergymen.[11]

Presently 3,000 clergymen, all commissioned officers on the Federal payroll serve the spiritual needs of almost 2,000,000 Americans which appears to satisfy both sectarian and secular groups.[12]

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[10] The Challenge of the Chaplaincy in the U.S. Army, p. 5.

[11] Religion, The Courts and Public Policy, p. 25.

[12] Ibid., p. 24.

ACTS AND RESOLUTIONS

The legal origin of the corps of chaplains is found in the resolutions of the Continental Congress in July 1775, which provided that their pay be twenty dollars a month, the same as captains. The following year chaplains were specifically authorized by George Washington who was emphatic in his belief that religion and public worship were essential to morale in civilian and in military life.[13]

The first chaplain appointed by the Continental Congress was an Episcopalian minister who later resigned and threw in his lot with the British.[14]

In 1818, a law was passed by Congress specifically providing for a chaplain to serve the cadets at the United States Military Academy at West Point. In 1838, a law was passed providing for post chaplains at regular Army

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[13] Reynolds, v. United States (98 U. S. 145, 1878), p. 35.

[14] Pfeffer, Church, State and Freedom, p. 199.

posts. This law also made chaplains responsible for the duties of schoolmaster and in that capacity they taught not only the children of Army families but also other children living nearby.[15]

The Act of 22 July 1861 stipulated that officers of regiments were to select as regimental chaplains only an ordained Christian clergyman. The 65th Regiment of the Fifth Pennsylvania Cavalry, whose commanding officer, as well as many other officers and men, professed Judaism, made selection of a Philadelphia teacher of Hebrew as its regimental chaplain. When a YMCA worker visited the regiment's encampment he violently objected to the existence of a military chaplain who was not an ordained Christian clergyman. The Jewish chaplain was compelled to submit his resignation.[16]

Further attempts by a validly ordained rabbi to apply for the regimental chaplaincy were disapproved a month later by the Secretary of War. As a consequence

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[15] The Military Chaplaincy, p. 6.

[16] Klaus J. Herrmann, Some Considerations on the Constitutionality of the United States Military Chaplaincy (14 American University Law Review 24, 1964), p. 26.

of these occurrences, the Act of 17 July 1862 replaced preceding legislation by stating that any ordained minister of some religious denomination be authorized for the military chaplaincy.[17]

In 1899 and in 1901, provisions were made in acts of Congress to secure ecclesiastical endorsement prior to the appointment of men as chaplains.[18] Each chaplain must be endorsed by a recognized civilian ecclesiastical agency, before he receives his commission, and such ecclesiastical endorsement is regularly reviewed by the civilian agency. The basic responsibility for seeing to it that the religious program functions well rests with the commanding officer, as do all military programs.[19]

A new act of Congress in 1917 paved the way for appointment of chaplains for various religious minority groups, including Jews. And in 1918, Congress authorized one chaplain for every 1,200 men. The National Defense Act of 1920 provided for a chief of chaplains to serve

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[17]Herrmann, Some Considerations on the Constitutionality of the United States Military Chaplaincy, p. 26.

[18]Drinan, Religion, The Courts and Public Policy, p. 24.

[19]The Military Chaplaincy, p. 3.

in the rank of colonel. Today the Chief of Chaplains has the rank of major general and is directly responsible to the Chief of Staff.[20]

The Secretary of Defense in July, 1949 established an Armed Forces Chaplain Board within the office of the Secretary of Defense. The board consists of each of the three Chiefs of Chaplains and one additional chaplain from each service. In addition, there is a special consultant to the Board of Jewish matters.[21]

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[20] Ibid., p. 7.

[21] Ibid., p. 10.

CONGRESSIONAL POWER TO PROVIDE
A CHAPLAINCY

Article I, section 8, clause 1 of our Constitution gives Congress the power ". . . to provide for the Common Defense and General Welfare of the United States." To implement this immense task, the Constitution authorizes Congress further war powers such as the declaration of war, providing for an Army and Navy and the power to make the rules on regulations for these services. Congress is also authorized "to make all laws for carrying into execution the foregoing powers." The second amendment begins with "a well regulated Militia, being necessary to the security of a free state."

It appears evident from the various war powers given to Congress, that the legislative body possesses the power to provide for a chaplaincy in the Armed Forces.

Early acts and resolutions of Congress such as its initial provision for a chaplaincy in 1775, the appointment of a chaplain to the Military Academy in 1818 and the law of 1838 which provided for post chaplains at regular Army posts and many others, indicate that Congress

has used their powers to provide a chaplaincy. In addition, there has always been a general acceptance of the chaplaincy by the public. This is evidenced by the lack of litigation against federal support of the chaplaincy.

THE CHAPLAINCY AND THE PUBLIC INTEREST

George Washington was emphatic in his belief that religious and public worship were essential to morale in civilian and in military life.[22] He considered chaplains to be an irreplaceable and invaluable component of military existence and constantly advocated their cause.[23]

The Military chaplaincy program is an integral and vitally important phase of the varied program of our Armed Forces to meet the responsibilities of the government to promote the general welfare of the men and women in the Armed Forces. Other phases of this general program are programs in the field of recreation, medical care, and education. The religious programs and services of the Armed Forces, in addition to their primary spiritual values, are an essential part of an

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[22] Reynolds v. United States, p. 35.

[23] Herrmann, Some Considerations on the Constitutionality of the United States Military Chaplaincy, p. 25.

attempt to make available an environment and services which will improve the general morale, promote military efficiency and enhance national preparedness and security.[24]

Because of the current ideological conflict, the totalitarians attack and stifle religion because such faith represents the antithesis of everything they teach, therefore, our armed forces must be ideologiccally as well as physically prepared. A program of adequate religious opportunities for the service personnel provides an essential way for strengthening their fundamental beliefs in democracy as well as their effectiveness as an instrument of our democratic form of government.[25]

The current unprecedented size of our military establishment and the possibility of increasing this size, emphasizes the military's responsibility to make available a strong religious program. The country has a traditional distrust of large armed forces, because we have feared that a powerful military force might endanger our democratic institutions. One good way to insure ourselves against this is to strengthen good citizenship in every

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[24] The Military Chaplaincy, p. 1.

[25] Ibid..

military man, and to preserve within the military as much of his civilian environment as possible.[26]

The large numbers of young men in the Armed Forces is another reason for strengthening the Armed Forces religious program. They merit a moral environment that will strengthen their character during their period of service.[27]

Our traditional faith in freedom of worship makes it important for the Armed Forces to make appropriate provision for religious opportunities. If no religious program existed in the Armed Forces, military restrictions could seriously hamper the individual serviceman's opportunity to worship and might nullify it.[28]

The Character Guidance Program is one of the unique opportunities of the chaplaincy. Under the Character Guidance Program the chaplain inspires men to perform their duties with responsibility and enthusiasm, with fortitude and integrity, so that their military service will produce the integrated and total man, emotionally

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[26] Ibid., p. 2.

[27] Ibid.,

[28] Ibid., p. 3.

stable, morally responsible and buttressed in his patriotism with all the moral virtues.[29]

Chaplains share the fatigue and pressure of the soldier. To prepare them for this every three months the class of chaplains enrolled at the Army Chaplain School, Fort Hamilton, New York, visits Fort Dix, New Jersey for five days of field exercises incorporating some of the toughest elements of basic combat and advanced infantry training. As noncombatants, the chaplains will never employ any of the infantry skills they have learned. But as spiritual leaders and counselors, they will be dealing with men who have experienced the pressure, fatigue and loneliness of hard training.[30]

Air Force chaplains are required to interview all new arrivals to every unit and in all three services recruits are interviewed and counseled by a chaplain. It is common to hear the phrase "Tell it to the chaplain" when one hears a soldier complaining. Chaplains

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[29]The Challenge of the Chaplaincy in the United States Army, p. 6.

[30]"Chaplains Learn to Rough It in Dix Field Training," Army Times (Washington, D. C.: Army Times Publishing Company, 27 March 1968), p. 39.

in all three services are considered part of the team of officers combating venereal disease, social delinquency and other forms of misconduct. Chaplains are also involved in humanitarian services and cultural leadership such as teenage clubs and boy scout troops.[31]

In the Pacific islands, many chaplains ride circuit by airplane, hopping from one remote base to another to visit the troops.[32]

The chaplain is a great aid in referring soldiers to the authorities who are best suited to meet such specific problems as pay, allotments, wills, insurance, medical care, emergency relief and so on. The chaplain has received training in counseling. Consequently, he is qualified to deal with personal problems which arise from adjustments in living and holds sacred the right of the individual to privileged communications.[33]

In summation we can say that the chaplaincy is necessary because: (1) they administer the rites of religion in battle and in camp, (2) As an expert in the

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[31]The Military Chaplaincy, p. 15.

[32]Ibid., p. 17.

[33]Department of the Army Pamphlet 608-2, The Army Personal Affairs Handbook (Washington, D.C.: Department of the Army, 1961), p. 22.

spiritual field, they are available to advise the commanders on morale problems, (3) through inspirational talks, they inspire men to greater performance of duty, (4) through sympathetic counseling they help solve personal problems and help servicemen perform their duties more effectively, (5) through leadership in character guidance programs, they help combat delinquencies and promote greater efficiency, (6) through their close daily contact with military personnel, they provide an effective, unofficial channel for redress of grievances and (7) through participating in rehabilitation programs they help restore to duty men who might otherwise become permanent delinquents.[34]

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[34]The Military Chaplaincy, p. 18.

THE CHAPLAINCY AND THE ESTABLISHMENT CLAUSE

James Madison opposed chaplains in the armed forces and in Congress. In his "Detached Memorandum" he set forth his arguments. He recognized, but subsequently rejcted, a possible exception in the "case of navies with insulated crews."[35]

Very few individuals have ever used in courts of the United States for injunctions against government expenditures for the military chaplaincy because of taxpayers lack of standing in such court cases. It is necessary for the plaintiff to demonstrate the illegality of government expenditures or that he has actually suffered some direct injury as a consequence. This was illustrated in Elliott v. White[36] in December, 1927, when Elliot, an atheist, tried for an injunction prohibiting the Treasurer of the United States from dispersing funds of the United States in order to pay

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[35] Leo Pfeffer, Church, State and Freedom, p. 217.

[36] Elliot v. White (23 F. 2d 997, 1928).

salaries of chaplains. Elliot said that it violated the First Amendment and promoted religious and sectarian institutions. Suit was dismissed by the Federal Court of Appeals of the District of Columbia because the plaintiff lacked standing to sue.

In Hughes v. Priest[37] the plaintiff cited a number of Supreme Court decisions handed down since the Elliott case. The plaintiff charged that the chaplaincy violated not only the First Amendment but also the decisions of Everson v. Board of Education[38] and McCollum v. Board of Education. In the Everson case, Justice Black said that Government cannot pass laws which aid one religion, all religions or prefer one religion over another without violating the establishment clause.[39]

On the other hand, critics of the Supreme Court's interpretation of the First Amendment in the McCollum case said that interpretation was to be found in the history of our country and specifically cited chaplains

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[37]Hughes v. Priest (Civil No. 4681-55 D.D.C. (argument) (case dismissed January 12, 1956).

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[39]Herrmann, Some Considerations..., p. 31.

in our Armed Forces as evidence of our government cooperation with religion and showing friendliness to it.[40]

The 33rd Congress recommended the abolishment of the chaplaincy; however, the House Committee on Judiciary disagreed and threw out Article VI, as a basis for no chaplaincy which was what the Congress had indicated.[41]

The real forces of opposition, however, have historically been carried by advocates of religion. Toward the third quarter of the nineteenth century, the liberal religious element vigorously pursued desired implementation of what they deemed true church-state separation. Consequently, the National Liberal League (NLL) in 1876 propounded that the support of chaplains out of the public treasury was tantamount to uniting church and state. They pushed emphasized involuntary compulsions of American citizens to "contribute involuntarily to the support of religious opinions which are not their own." The abolition of state-paid chaplains was made a pillar of the National Liberal League's constitution. United in the NLL were outstanding divines such as the (Unitarian)

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[40]Anson Phelps Stokes, Church and State in the United States (New York: Harper & Row, 1950), p. 102.

[41]Hermann, Some Considerations..., p. 28.

Reverend Francis Ellingwood Abbott and Rabbi Isaac Mayer Wise. The NLL called for a constitutional amendment to get total separation of church and state to include abolition of chaplaincies.[42]

Justice Brennan in Engel vs Vitale[43] recognized that the establishment clause alone is "conceivably" violated by the practice of providing chaplains to the military but it was argued that providing chaplains has constitutional basis as "necessary to secure to the members of the Armed Forces . . . those rights of worship guaranteed by the free exercise clause." Justice Brennan's thesis of giving the free exercise clause precedence over the establishment clause is not a unique one. It had been argued to and rejected by the Court in School District vs Schempp case.[44]

Justice Goldberg and Harlan saw chaplains as allowable under "present and past cases" and displayed a readiness to find constitutional accommodations to religion but not

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[42] Ibid.

[43] Engel v. Vitale (370 U. S. 203, 1962).

[44] M. Albert Figinski, Military Chaplains--A Constitutionality Permissable Accommodation Between Church and State (24 Maryland Law Review 377, 1964), p. 380.

in the context of the Schempp case. In this very case Justice Clark ruled that "while the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to anyone, it has never meant that a majority could use the machinery of the state to practice its beliefs."[45]

Brennan's thesis would not be supported by the Everson case. A doctrine which included a prohibition against a tax to support "any religious act and institutions" would presumably negate the government payment of salaries to chaplains and the construction of chapels from public funds even if otherwise men in the military service would lose the opportunity to worship. Neither can Brennan's thesis gain any vitality from the McCollum case. It denunciated the use of tax supported school systems to aid religion.[46]

It is therefore apparent that establishment cases are generally of little advantage to one favoring Brennan's thesis. However, there are two or three decisions

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[45] Ibid.

[46] Ibid., p. 389.

on Free Exercise grounds in which the dissenters claimed that a subsidy to religion was sanctioned by the majority.

In Murdock vs. Pennsylvania,[47] Justice Frankfurter argued in dissent that to allow Jehovah's witness to be absolved from a license tax was giving them a subsidy and offended the "separation of church and state." Further in the Murdock,[48] Pollett[49] and Sherbert[50] cases decisions did, in effect, grant a subsidy to religion in the name of free exercise as the dissenters claimed. Can they serve as a precedent for Brennan's thesis that in some instances the Establishment Clause is put aside in order to give full effect to the Free Exercise Clause?[51]

Brennan found support in the writings of Professors Katz and Kauper. Professor Katz writing in response to the Zorach case said: "the limits of the separation

doctrine are to be found by reference to the constitutional principle of religious liberty."[52] Kauper wrote:

> Legislation identifiable with religious views and practices is constitutional if it can be supported by adequate considerations of a secular or civil nature relevant to the exercise of government power.[53]

A further support for the chaplaincy may be found in the writings of Professor Kurland in which he states that the two clauses of the First Amendment must be read together to create a doctrine which states that religion may not be used as a basis for classification for purpose of government action. Under this thesis, classification would be on the basis of morale and welfare and provisions for religious activities as an attribute of morale and welfare would not be precluded.[54]

John C. Bennett justifies the chaplaincy in these words:

> The military chaplaincy can be seen as an embodiment of the intentions of the American people in regard to religion. It is a form of actual aid, even financial aid in effect,

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[52] Ibid., p. 406.

[53] Ibid., p. 407.

[54] Ibid., p. 412.

> to the churches, to all churches on a proportional basis. It is an example of cooperation between church and state at a point where both have a stake in such cooperation. The churches have a stake in providing pastoral services for their members and for all who receive them. The state has a stake in the religious liberty of the citizen to engage in the 'free exercise of religion' in positive terms when he is in the military service. A reasonable impartial method of cooperation is called for by the situation and it is permitted by the words in the Constitution.[55]

Assuming that chaplaincies are, as Dean Bennett wrote, "permitted by the words of the Constitution," does it follow that citizens, not in the military but rather at para-military civilian installations working on nuclear research or related problems, are receiving less than their share of implemented religious freedom from the government? If such individuals have received an occupation deferment from the military, or if their position would not exist but for the nation's war effort, then should these individuals receive less protection of religious liberty simply because their greater intellectual ability kept them out of military service.[56]

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[55]Robert F. Drinan, Religion, The Courts and Public Policy, p. 24.

[56]Ibid., p. 25.

If the government has an obligation to facilitate the "free exercise" of religion by those in its military forces, must not this obligation by reason of equal protection be extended to others, who, by a different type of state action, are also in danger of having their right to "free exercise" of religion nullified or restricted?[57]

In other words, when support is being given through military chaplains to religions in the name of the "free exercise" clause and whenever a benefit presumably valid, is given to one class, the fair-minded person must either state that the benefit should be withdrawn or that comparable benefits should be given to those who are similarly situated.[58]

The "General Commission on Chaplains and Armed Forces Personnel" says a system neither involves the state in religious exercises nor in favoring religion. The Committee regards the system as a genuine case of accommodation which fails to fall under the purview of the

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[57] Ibid., p. 26.

[58] Ibid.

1st amendments strictures.[59]

For those who fear that establishment may surge are offered the realization that the Court is its own best break on any tendency to emasculate First Amendment freedoms by progressive "distinctions." The case of Moulton v Meyers[60] in New York resulted in the discontinuance of the chaplaincy in New York's legislative chambers.[61]

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[59]Herrmann, Some Considerations...., p. 36.

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[61]Piginski, Military Chaplains--A Constitutionality..., p. 145.

CONCLUSION

This author concludes that in order for our Congress to "provide for the common defense," is is necessary to have an Army that is physically and morally ready to carry out its assigned tasks. The chaplaincy is an integral part of such an Army. The chaplain does much more than conduct religious services. He is instrumental in maintaining high morale in a unit. The Character Guidance Program which is handled primarily by the chaplains is a vital part of a soldier's training.

Where a large number of young men are gathered, the chaplain is an invaluable assistant to the commander in looking out for the welfare of the men. The chaplain can devote the majority of his time to the troop's personal problems while the commander has the operational responsibility or mission as his prime concern.

The chaplain goes through vigorous infantry training. He must maintain high standards of physical fitness and often risks his life. When things begin to get rough the troops look at the chaplain who is crawling through

the same mud and being shot at by the same enemy and are motivated by his stirring example. In the British Army, the chaplains preached on the eve of battles and the chaplains encouraged the soldiers "to persevere until final victory."[62]

This author served in a unit which was the first American Army unit committed to combat since the Korean War. The chaplains were instrumental in mentally preparing the troops for combat. They strengthened the ideology of the soldiers, stopped rumors and served as a liaison between the young soldier on the line and his worried parents at home. In a situation such as this, the conducting of services were only a minute portion of his responsibilities.

It would be idiotic to commit a unit to a combat zone without a physician. In the minds of men who know combat and realize the vital role that the chaplain plays, it would be likewise idiotic to commit a unit without a chaplain. In view of the war powers of Congress and the many varied and essential duties of the chaplain, this author feels that the chaplaincy is a necessary service permissible under the Constitution and the First

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[62]Leo Frank Solt, Military Chaplains - Great Britain (Stanford, Calif.: Stanford University Press, 1921), p. 10.

Amendment.

Justice Story stated that "It will be in vain to oppose constitutional barriers to the impulse of self-preservation." This is applicable to the need for a chaplaincy.[63]

In 1946, Fleet Admiral Vimity stated:

> My esteem for the chaplaincy is not so much based upon deeds of valor as it is appreciation for their routine accomplishments. No one will ever know how many young men were diverted from acts of depression by a heart-to-heart talk with the 'padre,' 'Men cannot live by bread alone,' to be sure and neither can man's spiritual needs be wholly satisfied by rituals. By his patient sympathetic labors with the men, day in, day out and through many a night, every chaplain I know contributed immeasurably to the moral courage of our fighting men. None of that effort appears in the statistics. Most of it was Navy secret between the chaplain and his confidant. It is for that toil in the cause of God and country that I honor the chaplain most.[64]

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[63] Commentaries on the Constitution, p. 1185.

[64] The Military Chaplaincy, p. 43.

MANDATORY ATTENDANCE AT CHAPEL

In the military service, attendance at chapel services is entirely voluntary. There have been some infractions such as paratroop "mass jumps" in honor of a patron saint within the Roman Catholic understanding of that term.[65]

At the Naval Academy and the United States Military Academy schools wholly supported and completely controlled by the Federal government, there are a number of religious activities. Chaplains are attached to both schools. Attendance at church services on Sunday is compulsory at both the Military and Naval Academies. At West Point, the Protestant services are held in the Cadet Chapel, the Catholic services in the Catholic chapel and the Jewish services in the Old Cadet Chapel; at Annapolis only Protestant services are held on the reservation. Midshipmen of other religions attend the churches of the

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[65]Herrmann, Some Considerations on the...., p. 35.

city of Annapolis. These facts indicate that both schools since their earliest beginnings have maintained and enforced a pattern of participation in formal worship.[66]

Many believe that as future commanders, cadets should become acquainted with a military chaplain and realize early in their career the fundamental place of the Army chaplain. However, they also feel that attendance at services should be voluntary.

Vigorous representation against such attendance at services of worship under any condition has been made by the General Commission on Chaplains and Armed Forces Personnel to the three Chief of Chaplains offices and to the Department of Defense.[67]

This author sees no way to justify mandatory attendance at chapel for the military academies or any other governmental service. By providing a chaplaincy, the government insures that the "lonely soldier" is not deprived of his religious liberty; however, mandatory religious services are improper and unethical in accordance with our Constitution.

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[66]John J. McGrath, Church and State in American Law: Cases and Materials (Milwaukee: The Bruce Publishing Company, 1962), p. 197.

[67]Minutes of the General Assembly of the United Presbyterian Church in the United States of America

In this author's opinion, there can be no justification for mandatory chapel attendance. Because the mandatory attendance at the military academies is often associated with the chaplaincy many fallaciously think that, in fact, establishment does exist in the Armed Forces. Most religions are adverse to mandatory chapel attendance and it is in no way encouraged by the chaplaincy.

(Part I - Office of the General Assembly, Witherspoon Building, Philadelphia, Pa., 19107, August 1965).

SECTARIAN ATTITUDES TOWARD THE CHAPLAINCY

There is a continual need for the enlistment of young clergymen into the United States Army to replace those lost through retirement and attrition. The religious leaders of America have always recognized their responsibility to "keep the ranks filled" and regularly encourage some of their best men to enter the military chaplaincy. Providing the proper number of chaplains representing the various religious bodies is a matter of serious concern, both to the denominations and the Department of the Army.[68]

There is some possibility of the use of a career clergyman in the armed forces, although all religious organizations are seeking to avoid such an eventuality. Most sectarian groups urge their personnel to enter the chaplaincy for a period; Jewish units, for example, require all rabbis to serve as chaplains for a period

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[68]Department of the Army Pamphlet 16-2, The Challenge of the Chaplaincy in the United States Army, p. 8.

shortly after their theological training is finished.[69]

During the 1850's various Protestant, notably Predestinarian Baptists, launched a strong attack against government chaplains by invoking Article VI of the Constitution in addition to the first amendment. Hard-shell Baptists recommended that soldiers and sailors support their own clergymen themselves. The memorialists took exception to their treatment as officers and wanted to join the service as common enlisted men and labor among the other enlisted men. These were typical of the views of about 150,000 hard-shell Baptists in the United States.[70]

The Wisconsin Evangelical Lutherna Synod, which numbers around 350,000 members, has consistently refused to recommend its ordained ministers for the military chaplaincy. The Synod holds that such a chaplaincy places its pastors where they "would not be free to obey the direction of Christ its Head alone, but would also in a measure be subject to the direction of the government." Its objection proceeds on the basis of its

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[70]Herrmann, Some Considerations on the ....] p. 33.

understanding of undivided and undiluted adherence to the establishment clause of the Constitution and to its interpretation of the Christian gospels.[71]

One of the largest American Protestant churches adopted at its 175th General Assembly of May, 1962 a strong resolution which stated:

> The United Presbyterian Church recognizes that the present practice whereby its ministers serve as military chaplains, paid by the state, raises serious questions and represents an unresolved problem in the relationship between church and state.[72]

Similar uneasiness of the question of the military chaplaincy has been expressed in the editorial columns of The Christian Century and in other Protestant sources.[73]

Ecclesiastical endorsements and recruiting for many of the Protestant denominations are a responsibility of the individual denomination but are routed through the General Commission on Chaplains. The organization of forty-seven denominations and religious agencies acts as

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[71] Ibid.

[72] Ibid.

[73] Anson Phelps Stokes, Church and State in the U.S., p. 472.

a liaison between the member churches and government. All of the major denominations have membership in the General Commission with the exception of the Southern Baptist Convention, the Lutheran Church, the Missouri Synod and the National League Council, whose representatives attend meetings of the General Commission and cooperates in numerous ways. The Catholic chaplain recruiting and endorsements are the responsibility of the Military Ordinariate of the Catholic Church; and for Jewish Chaplains of the National Jewish Welfare Board.[74]

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[74] The Military Chaplaincy, p. 27.

ALTERNATIVES

During the 20's there developed an intriguing debate in Protestant circles concerning the advisability of close cooperation between Christian ministers and the military. Considerable sentiment for a civilian chaplaincy developed but World War II came about before its advocates within The Federal Council of Churches could change the climate of opinion.[75]

Since that move no real attempts have been made to alter the chaplaincy. A chaplaincy operating outside the realm of government employment is bound to create serious administrative problems. Military posts and stations might be expected to be besieged by a host of religious societies, each one attempting to gain the support of armed forces personnel. Attendant disorder and possible breaches of military security might well be occasioned. Further the peculiar nature of the

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[75] Robert Drinan, Religion, The Courts and Public Policy, p. 24.

military establishment, maneuver exercises, and preparation for actual combat represents serious obstacles to a wholly voluntary religious ministration. The present orderly and systematized chaplaincy has many advantages: (1) a method of apportioning chaplain's vacancies on the basis of nominal troop adherence to the particular religious grouping, (2) a well-functioning procurement and training schedule, (3) satsifactory tenure, (4) promotions and retirement incentives.[76]

One might well perceive an implication that the government need not necessarily provide chapels and chaplains to those of its armed forces personnel who are not cut off from civilian church facilities. Then it properly be adduced, the federal government is within the limits of the establishment clause only when chaplains and chapels are provided to the military during actual combat, simulated combat conditions, or at locations inaccessible or not provided for by civilian ministers of religion and houses of worship.[77]

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[76]Klaus J. Herrmann, Some Considerations on the Constitutionality. . . . ., p. 36.

[77]Ibid., p. 34.

In the search for alternatives the various systems used by European countries are not particularly helpful since in nearly all cases an "established church" is involved. Systems being derived in the new countries are too immature and too small-scale to offer any assistance for a country that is both large in population and highly pluralistic in its faiths as well as having a strong though fluctuating practice of the separation of church and state.[78]

A system whereby the churches paid the salaries, travel, housing and supplied their own chaplains with the necessary equipment and buildings for the carrying out of this ministry would add millions of dollars to the budget of each denomination of any size. This reasoning does not present a valid argument for those who hold principle above cost.[79]

Quite an imagination is necessary to visualize how a chaplaincy managed by the church completely aside from the state can work effectively. It would require the

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[78] Minutes of the General Assembly of the United Presbyterian Church in the United States of America, p. 198.

[79] Ibid.

coordination of perhaps forty or more denominations and several faiths deciding what chaplains will go to which of upwards of 1,000 locations and when, how many are needed where, how you will get them there and provide the necessary material and buildings and on what property, who will oversee and coordinate their work and much more coordination, too numerous to mention in this brief study. Such a system would require a willingness to work together and the development of common criteria for exceeding anything as yet exhibited by the denominations and faiths in ecumenical relations.[80]

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[80] Ibid., p. 199.

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Chaplains In the Field

Although they may travel by helicopter or jeep or truck to reach the troops, still in the same fashion as those who served in earlier wars, the chaplains walk in the valley of the shadow alongside their "parishioners." They bring the solace of his faith to the individual soldier—in jungle, in rice paddy, atop a barren windswept mountain, in blinding monsoon rains or through the dusty fields—and like their predecessors, many have given their lives in service to God and Country in a far away land.

Grove of trees provides outdoor cathedral setting, left, for Protestant service. Below, Catholic Mass is celebrated on portable altar in a dusty forward command post in Chu Fong mountain range.

Like frontiersman of early times who carried gun to church, 1st Air Cav soldier leans on rifle as he reads New Testament.

It's a far cry from the Jordan, but a handy water tank set up near 25th Infantry Division base camp at Cu Chi serves also for baptismal services conducted by chaplains.

AD

Soldiers Of God

From Bunker Hill To Hill 882—

They have served the troops, these chaplains of the U. S. Army, walking even into the jaws of death "so that soldiers shall not march alone." Presented here is part of a collection of paintings prepared for the Army Exhibit Unit's new display soon to be carrying to the Nation the story of the gallant men of the chaplaincy. The paintings also will be presented in an information film, "The Bridge," on the Chaplain Corps. At top, a chaplain is depicted at the Battle of Bunker Hill. Left, sorrowing chaplains in blue and gray seek out wounded after Gettysburg. After the Civil War, the thinning ranks of Chaplains served an Army spread out in forts along a harsh frontier. *(Continued.)*

Above, the chaplains often "rode circuit" during the Indian Wars. They were with the troops in Cuba and the Philippines, in the trenches in World War I, on the infamous Bataan Death March in World War II, and in the lines and even the prison camps in Korea. Today, much as on the western frontier, many of them "ride circuit"—but by helicopter rather than on horseback. For views of Chaplain Corps activities today the following scenes take you to Vietnam.